

3. At the Scheduling Conference, the Court took up the Aragon Plaintiffs’ pending Motion for Conditional Certification. *See* Exhibit 1, Transcript of Scheduling Conference at 3:14–19, *Aragon v. Pro Oilfield Services, LLC*, 4:15-cv-02734 (Jan. 15, 2016). The Court granted in part and denied in part the Aragon Plaintiffs’ Motion for Conditional Certification, and otherwise placed terms and conditions upon the relief sought by the Aragon Plaintiffs’. *See, e.g., id.* at 7:17–19 (granting a nationwide class); 7:20 – 8:1 (limiting the disclosure of social security number to only the last four digits); 8:10–13 (allowing disclosure of email addresses); 8:14 – 9:6 (denying posting of on-site notifications); 9:7 (denying gag order); 9:14–15 (allowing follow-up reminders); 9:15–17 (providing for a 60-day notice period).

4. Because the Aragon Action and the Medina Action are closely related, and the parties in each case are represented by the same respective counsel, near the end of the Scheduling Conference, the Court also considered and granted the Medina Plaintiffs’ pending Motion for Conditional Certification “with the same changes in terms and conditions” as set forth with respect to the Aragon Action. *Id.* at 12:17–23.

5. Following the Scheduling Conference, the Parties complied with the ruling made by the Court at the Scheduling Conference with respect to conditional class certification in both the Medina and Aragon Actions. Further, in accordance with the Court’s ruling on both Motions for Conditional Certification, the Parties conferred and agreed upon the content of the notice and consent to be sent to the putative classes in both the Medina and Aragon Actions. On February 19, 2016, Counsel for the Medina Plaintiffs and the Aragon Plaintiffs sent notice of each respective lawsuit to the relevant potential opt-in plaintiffs, and the notice period in both cases closed on April 19, 2016.

6. Since the close of the notice period, the Parties agreed to attend a mediation in an effort to resolve both the Aragon and Medina Actions. In anticipation of the mediation, which is scheduled

for August 30, 2016 in Houston, Texas, the Parties exchanged limited, informal discovery regarding a sample group of opt-ins from each respective class.

7. Recently, on August 10, 2016, the Court entered an Order granting the Medina Plaintiffs' Motion for Conditional Certification and to Facilitate Notice, as originally written, and the full relief sought therein (the "Recent Order"). Dkt. Entry No. 40. The Recent Order, however, does not account for the portion of the relief sought by the Medina Plaintiff's that was denied by the Court, or the terms and conditions the Court otherwise placed on the conditional class certification in the Medina Action. *Id.*

8. In an effort to avoid confusion, and to allow the Parties to proceed with their scheduled mediation, the Parties file this Joint Notice of Prior Ruling with the Court to notify the Court of its prior ruling regarding the Medina Plaintiffs' Motion for Conditional Certification, and to seek clarification regarding the effect of the Recent Order. Unless otherwise instructed by the Court, the Parties mutually agree to operate under the Court's original ruling regarding conditional class certification in the Medina Action made by the Court from the bench at the Scheduling Conference.

Respectfully submitted,

By: /s/ Shanon J. Carson (with permission)

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of August 2016, I filed a true and correct copy of the above and foregoing instrument with the Clerk of Court using the CM/ECF system of the District Court for the Southern District of Texas, which will send notification of such filing to all counsel of record

/s/ Scott W. Kendall
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